

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MICHAEL THOMPSON

PLAINTIFF

v.

CIVIL ACTION NO.3:14-CV-274-NBB-JAA

CALVIN HAMP, in his individual capacity,
JAMES JONES, in his individual capacity, and
UNKNOWN DEFENDANTS “A”, “B” and
“C”

**PLAINTIFF’S FIRST MOTION IN LIMINE
TO EXCLUDE TESTIMONY AND ARGUMENT THAT THE DEFENDANTS’
ARREST OF PLAINTIFF MICHAEL THOMPSON WAS LAWFUL**

COMES NOW, Plaintiff Michael Thompson, by and through his undersigned counsel of record and files this, his First Motion in Limine to Exclude Testimony and Argument that the Defendants’ Arrest of Plaintiff Michael Thompson was Lawful. Defendants Calvin Hamp and James Jones have repeatedly argued in deposition testimony and in court pleadings in the above-styled and –numbered cause that their February 12, 2014 arrest of Plaintiff was lawful. As this Court is aware, after Deputy James Jones arrested Mr. Thompson on the date in question, Mr. Thompson had to defend himself in Court—first in the Justice Court of Tunica County, Mississippi and then on appeal in the Circuit Court of Tunica County, Mississippi. In the final judgment on appeal of that case, the circuit court judge ruled that Mr. Thompson was not guilty of the charges the defendants’ lodged against him on the basis of entrapment. There was no appeal filed from that court, and, therefore, that matter was fully litigated and the judgment is final. The defense is, thus, barred by Fed. R. Evid. 401, 402, and 403 and by the doctrine of collateral estoppel from attempting to re-litigate the matter of the lawfulness of the subject arrest in this Court. Any such testimony and evidence is

irrelevant inasmuch as it would likely confuse the jury and conflate the issues in this case. Moreover, a judge has already ruled that the defendants' arrest of Mr. Thompson was improper and the result of entrapment so that issue has already been resolved in the plaintiff's favor.

WHEREFORE, PREMISES CONSIDERED, the plaintiff respectfully requests this Court prevent the defendants from introducing at trial any testimony or other evidence that suggests that the traffic stop at issue in this case was lawful.

RESPECTFULLY SUBMITTED, on this, the 13th day of March, 2017.

MICHAEL THOMPSON
PLAINTIFF

/s/ E. Carlos Tanner, III
E. Carlos Tanner, III, Esq. (MS Bar No. 102713)
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, E. CARLOS TANNER, III, certify that on this date, March 13, 2017, I have filed the foregoing Plaintiff's First Motion in Limine to Exclude Testimony and Argument that the Defendants' Arrest of Plaintiff Michael Thompson was Lawful using the ECF system which caused notification of such filing to be submitted to all counsel of record in this cause.

So certified, on this, the 13th day of March, 2017.

MICHAEL THOMPSON
PLAINTIFF

/s/ E. Carlos Tanner, III
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